

Digital television copyright protection sounds good. Who isn't for creative people making a living by selling their work? Sadly, the proposed rule is not about equity in the marketplace; it's about taking away the centuries-old right of ordinary citizens to fairly use copyrighted material.

People have the right to record a movie in order to watch it later.

People have the right to use recorded programs for research.

People have the right to use broadcasted material for comedic purposes, such as satire. The courts have upheld these rights, and companies that wish to control the home life of ordinary citizens have no legal right to do so.

Instead, they have turned to technology. They hope to deprive people of the means to exercise their legal rights, thereby achieving their original goal. A right is meaningless unless one can freely exercise it; that is a core principle underlying freedom, liberty, and our democratic society. Issuing administrative rules that require anti-fair-use technologies, like digital television copyright "protection," takes a step in the wrong direction. The better course is to use agency policy to reinforce current legal understandings, rather than trying to by-pass them.